

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

FORMAT

- 12pm: Anne will welcome everyone and introduce attendees seated around the table.
 - Anne introduces Andrew Wheeler.
 - Wheeler gives remarks then open up to Q&A on air issues.
 - Once that slows down, Wheeler will sign the rule at his seat.
- 12:45pm (latest): Anne/Wheeler will transition to water issues.
- 1:15pm: Adjourn (**hard stop**).

ATTENDEES

- **U.S. EPA**
 - Andrew Wheeler, Acting Administrator
 - Appointed Acting Administrator by President Donald J. Trump on 7/5/18.
 - Previously confirmed by the US Senate as EPA Deputy Administrator on 4/12/18.
 - Career:
 - Has dedicated his career to advancing sound environmental policies.
 - Time at EPA.
 - Special Assistant in EPA's Pollution Prevention and Toxics office during the George H. W. Bush Administration.
 - Time on the Hill.
 - Served for 6 years as the Majority Staff Director and Chief Counsel, as well as the Minority Staff Director, of the Senate Committee on Environment and Public Works.
 - Before that, served in a similar capacity for six years for the Subcommittee on Clean Air, Climate Change, Wetlands and Nuclear Safety.
 - Time at Faegre Baker Daniels.
 - Principal and the team leader of the Energy and Environment Practice Group at FaegreBD Consulting.
 - Counsel at Faegre Baker Daniels law firm.
 - Served as the Co-chair of the Energy and Natural Resources Industry team across the entire firm.
 - Other notable accomplishments/things to note:
 - Past Chairman of the National Energy Resource Organization (NERO).
 - Stennis Fellow.
 - Eagle Scout.
 - Born in Hamilton, Ohio.
 - Education:
 - Undergraduate work at Case Western Reserve University in English and Biology.
 - MBA at George Mason University.
 - Law degree at Washington University in St. Louis.
 - Michael Molina, Senior Advisor to the Acting Administrator
 - Ken Wagner, Senior Advisor to the Administrator for Regional & State Affairs

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

- Michael Abboud, Press Secretary, Office of Public Affairs
- William Marshall, Advance Associate
- **EPA Region 6**
 - Anne Idsal, Regional Administrator
 - David Gray, Deputy Regional Administrator
 - Erin Chancellor, Chief of Staff
 - Charles Maguire, Water Division Director
 - Lisa Price, Multimedia Division Deputy Director
- **Office of Texas Governor Greg Abbott**
 - James Sullivan, General Counsel
 - Replaced Andy Oldham, who was appointed to the 5th Circuit Court of Appeals.
 - Previously at King & Spalding and the Solicitor General of Texas.
 - Accompanied by: Jordan Rodriguez, Environmental Policy Advisor.
- **Texas Commission on Environmental Quality (TCEQ) (environmental regulatory agency)**
 - Chairman Jon Niermann
 - Appointed to Commission by Governor Greg Abbott on 10/1/15, and appointed Chairman by Governor Abbott on 8/31/18 (replacing Bryan Shaw, who retired).
 - Oversees Texas's share of the Volkswagen mitigation funds and serves as Texas's appointee on the Western States Water Council.
 - Previously lead attorney in the Texas Attorney General's environmental division, also worked at Baker Botts (Austin).
 - Accompanied by: Jim Rizk, Special Counsel.
- **Railroad Commission of Texas (RRC) (oil & gas regulatory agency)**
 - Commissioner Wayne Christian
 - Elected to the Commission in November 2016.
 - Appointed by Governor Abbott to the Interstate Oil and Gas Compact Commission (IOGCC) as the official representative of Texas.
 - Previously a Texas state Representative and owner of a financial services business.
 - Accompanied by: Wei Wang, Executive Director.
- **Texas Water Development Board (TWDB) (water planning & financing agency)**
 - Chairman Peter Lake
 - Appointed to Board by Governor Abbott on 12/15/15, and designated Chairman on 2/22/18 (replacing Bech Bruun, who made a run for Farenthold's seat).
 - Previously held various financial roles (e.g., Special Advisor to an oil company, business consultant, launched a finance firm).
 - Accompanied by: Tara Rejino, Chief of Staff.
- **U.S. Army Corps of Engineers (USACE) – Southwestern Division**
 - Brigadier General Paul E. Owen, Commander & Division Engineer
 - Oversees hundreds of water resources development and military design and construction projects.
 - Previously served as the Chief of Staff for USACE in Washington, D.C.
 - Accompanied by: Mark Mazzanti, Programs Director, Scott Kelly, Regulatory Program Manager, & Jordan Elliott, Aid-de-Camp.
- **North Texas Municipal Water District (NTMWD)**

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

- Provides vital water and waste management services to 1.7M people in North Texas.
- R. J. Muraski, Capital Improvement Program and Planning Assistant Deputy
 - Oversees all aspects of the NTMWD Capital Improvement Program consisting of planning, engineering, and construction, along with Permitting and Master Planning for the District – an annual program budget of \$700M+.
 - Army veteran who previously worked at USACE.
- **Texas Oil & Gas Association (TXOGA)**
 - A statewide trade association with ~5,000 members representing every facet of the Texas oil and gas industry including small independents and major producers.
 - TXOGA members collectively account for over 90% of all oil and natural gas produced in Texas, they operate a vast majority of Texas's pipeline mileage and gas processing capacity, and they are responsible for a preponderance of Texas's refining capacity.
 - Todd Staples, President
 - Previously served as the Texas Agriculture Commissioner, winning two statewide elections, and also served in the Texas Senate and Texas House.
 - Accompanied by: Mari Ruckel, Government & Regulatory Affairs Advisor.
- **Texas Pipeline Association (TPA)**
 - The largest and only state trade association in the country representing solely the interests of the intrastate pipeline network.
 - Celina Romero, Attorney
 - Attorney at Duggins Wren Mann & Romero, LLP in Austin, TX.
- **Texas Industry Project (TIP)**
 - Consists of 65 companies, including multiple Fortune 100 companies, in a wide variety of industries with operations in Texas. For over 30 years, this group has leveraged its members' collective voice on a number of environmental agency proceedings.
 - Matt Kuryla, Legal Advisor
 - Attorney at Baker Botts in Houston, TX.
- **Texas Cattle Feeders Association (TCFA)**
 - Represents the cattle feeding industry in the 3-state region of Texas, Oklahoma and New Mexico and is actively involved with national livestock organizations.
 - This area, a/k/a Cattle Feeding Country, is the largest cattle feeding region in the US.
 - A multibillion-dollar industry, it annually markets more than 6M+ fed cattle, ~28% of the fed cattle produced in the US.
 - Ben Weinheimer, Vice President
 - Tom McDonald, Past Board Chairman (currently serves as the Vice Chair of the Property Rights/Environmental Management Policy Committee for the National Cattlemen's Beef Association)
- **Texas State Soil & Water Conservation Board (TSSWCB)**
 - State agency that administers Texas's soil and water conservation law and coordinates conservation and nonpoint source water pollution abatement programs throughout Texas.
 - TJ Helton, Nonpoint Source Management Program Coordinator & Program Administrator
- **Texas Land & Mineral Owners Association (TLMA)**
 - The association engages in direct advocacy to achieve its mission of (1) a business and legal environment that promotes a healthy oil and gas industry in Texas by ensuring that the rights

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

of mineral and surface owners are protected; (2) a reduction in litigation; and (3) the protection of our precious groundwater resources.

- Jennifer Bremer, Executive Director
- **Texas Farm Bureau**
 - The state's largest farm organization, represents the interests of agricultural producers and rural communities across Texas as the "Voice of Texas Agriculture."
 - Jay Bragg, Associate Director of Commodity & Regulatory Affairs
- **Pioneer Natural Resources**
 - TXOGA member company headquartered in Irving, TX with operations in Texas and Colorado.
 - A large independent exploration and production company focused on delivering competitive and sustainable results while helping meet the world's energy needs.
 - Gretchen Kern, Sr. Environmental Policy Advisor Sustainable Development
 - Rupangi Faldu, Environmental Director, Air Quality, Environmental Department
- **Hunt Consolidated Inc.**
 - TXOGA member company headquartered in Dallas, TX.
 - The flagship entity of the entire Ray L. Hunt family of companies, a privately-owned group of entities.
 - The areas of activity of the different Hunt companies include oil and gas exploration and production, refining, LNG, power, real estate, investments, ranching and infrastructure.
 - DeLaine Fletcher, Director of Environment, Health & Safety
 - Martin Wouch, Environmental, Health & Safety Advisor
 - Paul Schulze, Director of Government Affairs

POTENTIAL TOPICS

- **Air Topics**
 - Petroleum Refinery Sector Rule (Risk and Technology Review and New Source Performance Standards) – Final
 - Wheeler will sign this rule at the meeting.
 - December 2015: EPA issued a final rule that will further control toxic air emissions from petroleum refineries and provide important information about refinery emissions to the public and neighboring communities.
 - This rule will virtually eliminate smoking flare emissions and upset emission events and will require refineries to monitor emissions at key emission sources within their facilities and around their fencelines.
 - When fully implemented in 2018, this rule will result in a reduction of 5,200 tons/year of toxic air pollutants, and 50,000 tons/year of VOCs.
 - July 3, 2018: EPA proposed to extend the compliance dates finalized in July 13, 2016, for maintenance vent standards that apply during periods of startup, shutdown, maintenance or inspection for sources constructed or reconstructed on or before June 30, 2014.
 - The compliance date would change from August 1, 2017 to January 30, 2019.
 - This proposed compliance date extension would provide petroleum refinery owners and operators with an additional 18 months to achieve compliance.

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

- SIP Requirements Rule for 2015 Ozone NAAQS – Final
 - EPA is proposing requirements for implementing the strengthened 2015 ozone NAAQS that were promulgated on October 1, 2015.
 - This rule proposal contains three main components:
 - (1) Nonattainment area classification thresholds and the timing of attainment dates for each nonattainment area classification for the 2015 ozone NAAQS;
 - (2) Options to revoke the 2008 ozone NAAQS and, where applicable, provide anti-backsliding requirements to help smooth the transition between the two standards for nonattainment areas; and
 - (3) SIP requirements for states with nonattainment areas and states in an ozone transport region under the 2015 ozone NAAQS.
- SSM SIP Call
 - EPA granted a partial reconsideration of Texas’s petition for EPA to reconsider its Obama-era “SIP Call” that banned states from using “affirmative defenses” and other regulatory exemptions for air pollution increases from industrial facilities during periods of startup, shutdown and malfunction (SSM).
- Texas SO₂ Nonattainment Designation Error Correction – Proposal
 - If not available to announce, could indicate intention to release in days/week following R6 visit.
- **Water Topics**
 - Lower Bois d’Arc Reservoir (now renamed North Texas Municipal Lake)
 - North Texas Municipal Water District (NTMWD) provides vital water and waste management services to 1.6M+ people. (expected to grow to 3.7M residents in the next 50 years).
 - Once constructed, the project will consist of a 10,400-foot earthen dam that would supply raw water for NTMWD service area beyond 2040.
 - The project will impact 16,641 acres along Bois d’Arc Creek, northeast of Dallas, TX.
 - EPA agreed to be a cooperating Agency from the beginning of the project.
 - EPA worked collaboratively with the Corps and the NTMWD to address the EPA’s EIS comments and improve the EIS.
 - Timeline:
 - June 2015: EPA and other resource agencies sent comment letters identifying inadequacies and concerns with the analysis and information provided in the Draft Environmental Impact Statement (EIS) and issued an adverse rating.
 - Fall 2017: The Final EIS.
 - January 2018: RA Idsal issued a letter in response to USACE’s Notice of Intent to proceed to issue a CWA § 404 permit, that cleared the path for the permit to be issued in February 2018.
 - May 2018: NTMWD broke ground on the project site with the goal of dam completion in 2021.
 - Waters of the United States (WOTUS)
 - EPA and the Department of the Army (Army) issued a supplemental proposal to the July 2017 proposed action to repeal the 2015 definition of WOTUS.

Acting Administrator Wheeler Roundtable Attendees

Thursday, November 8, 2018 – 12:00-1:15pm – Region 6 – Oklahoma/Texas Room

- The proposal specifically requests comment on the legal basis of the 2015 WOTUS rule, which EPA and the Army (Agencies) believe has led to uncertainty and confusion across the country.
- During the original and supplemental public comment periods in August, we heard from ~760,000 stakeholders, about the proposal to repeal the 2015 WOTUS definition.
- As part of the initial proposal, the Agencies indicated our intent to recodify the pre-2015 regulations—a longstanding regulatory framework that is currently being administered by the Agencies—to keep them in place until the Agencies finalize a new definition of WOTUS. In addition, the Agencies proposed delay of implementation of the 2015 rule until a new rule was ready to replace it.
- However, a South Carolina District Court ruling on August 9 declared that the WOTUS rule of 2015 was to take effect immediately.
 - This caused further confusion as 26 states immediately were under jurisdiction of 2015 rule, while 24 were not because they were parties to other court ruling that stayed the implementation of the 2015 rule.
 - Recently a South Texas District Court ruling resulted in Texas, Louisiana, and Mississippi to no longer be under the 2015 WOTUS rule.
 - Presently there are 28 states not covered under 2015 WOTUS rule and 22 that are part of the rule.
- EPA does expect OMB to complete its review of our redefinition of WOTUS within weeks so that we then can proceed with a public comment period.